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Attorneys for the United States of America

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,	)	No. CR 07-70256 WDB
	)	
Plaintiff,	)	STIPULATION AND [PROPOSED]
	)	ORDER CONTINUING THE DATE FOR
v.	)	ARRAIGNMENT OR PRELIMINARY
	)	HEARING, AND EXCLUDING TIME
VICTOR AGUILAR (aka FERNANDO	)	FROM MAY 8, 2007 TO MAY 16, 2007
OCAMPO-BAJENA),	)	FROM THE SPEEDY TRIAL ACT
	)	CALCULATION (18 U.S.C. §
Defendant.	)	3161(h)(8)(A))
	)	

The defendant's initial appearance in this case took place on May 2, 2007, discovery has been provided, and the parties are attempting to reach a pre-indictment resolution of the case.

With the agreement of the parties, and with the consent of the defendant, the Court enters this order scheduling an arraignment or preliminary hearing date of May 16, 2007 at 10:00 a.m. before the duty magistrate judge, and documenting the defendant's waiver of the preliminary hearing date under Federal Rule of Criminal Procedure 5.1 and the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(b), from May 8, 2007 to May 16, 2007. The parties agree, and the Court finds and holds, as follows:

STIPULATION

1. The defendant is in custody.

2. The defendant agrees to waive time under Federal Rule of Criminal Procedure 5.1 for indictment and to an exclusion of time under the Speedy Trial Act based upon defense counsel's need to review discovery and effectively prepare the defense of this matter.

3. Counsel for the defense believes that postponing the preliminary hearing is in her client's best interest, and that it is not in her client's interest for the United States to indict the case before the May 16, 2007 preliminary hearing date.

4. The Court finds that, taking into account the public interest in the prompt disposition of criminal cases, these grounds are good cause for extending the time limits for a preliminary hearing under Federal Rule of Criminal Procedure 5.1. Given these circumstances, the Court finds that the ends of justice served by excluding the period from May 8, 2007 to May 16, 2007, outweigh the best interest of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(A).

5. Accordingly, and with the consent of the defendant, the Court (1) sets a preliminary hearing date before the duty magistrate judge on May 16, 2007, at 10:00 a.m., and (2) orders that the period from May 8, 2007 to May 16, 2007 be excluded from the time period for preliminary hearings under Federal Rule of Criminal Procedure 5.1 and from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

DATED: May 9, 2007

/s/  
HILARY FOX  
Attorney for Defendant

DATED: May 9, 2007

/s/  
CHINHAYI J. COLEMAN  
Assistant United States Attorney

IT IS SO ORDERED.

DATED: \_\_\_\_\_

\_\_\_\_\_  
WAYNE D. BRAZIL  
United States Magistrate Judge

STIPULATION